

Substitute for form 1449/PTO				Complete if Known	
				Application Number	10/580,711-Conf. #3892
				Filing Date	May 18, 2007
				First Named Inventor	Klaus Benke
				Art Unit	1616
				Examiner Name	David Browe
Sheet	1	of	1	Attorney Docket Number	11987-00043-US

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	MM-DD-YYYY		
/D.B./BA	WO-0215940-A2		02-28-2002	Pharmacia Corp et al.	

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			
/D.B./CA		European Patent Office Communication of a Notice of Opposition dated November 20, 2008.			
/D.B./CB		Opposition to EP 1689370 B1 filed November 12, 2008 by ratiopharm GmbH			
/D.B./CC		Reply to the Opposition filed June 15, 2009.			
/D.B./CD		Reply to Patentee's Statement dated June 15, 2009, filed in European Patent Office on January 8, 2010.			
/D.B./CE		Communication dated March 31, 2010 in Opposition to EP 1 689 370 B1.			
/D.B./CF		Datasheet for Zyvoxid from South African Electronic Package Inserts, 29 May 2001			
/D.B./CG		AULTON, "Pharmaceutics: The Science of Dosage Form Design", 1998, pp. 136-137 and 154-156.			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 608. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. *Applicant or inventor designates the language for the document by entering the code in the USPTO Patent Document at www.uspto.gov or MPEP 901.04. ²Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ³For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	/David Browe/	Date Considered	08/12/2010
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